

HOUSE BILL 3136

By Bass

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 33, Part 2 and Title 55, relative to the operation of motor vehicles without valid driver's license.

WHEREAS, Driving a motor vehicle on the public streets and highways is a privilege, and not a right; and

WHEREAS, Of all drivers involved in fatal accidents, a driver with a suspended license is more likely to be involved in a fatal accident than a properly licensed driver; and

WHEREAS, Tennesseans who comply with the law are frequently victims of traffic accidents caused by unlicensed drivers; and

WHEREAS, These innocent victims suffer considerable pain and property loss at the hands of people who flaunt the law; and

WHEREAS, It is necessary and appropriate to take additional steps to prevent unlicensed drivers from driving; and

WHEREAS, The state has a critical interest in enforcing its traffic laws and in keeping unlicensed drivers from illegally driving; and

WHEREAS, Seizing the motor vehicles used by unlicensed drivers serves a significant governmental and public interest, namely the protection of the health, safety, and welfare of the citizens of the state from the harm of unlicensed drivers who are involved in a disproportionate number of traffic incidents, and the avoidance of the associated destruction and damage to lives and property; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-33-201, is amended by deleting the language " § 55-50-504(h)," in its entirety and by substituting instead the following language "§ 55-50-351, § 55-50-504(h),".

SECTION 2. Tennessee Code Annotated, section 55-50-351, is amended by adding the following language as a new subsection:

(c)

(1) The vehicle used in the commission of a person's violation of this section is subject to seizure and forfeiture in accordance with the procedure established in title 40, chapter 33, part 2, unless:

(A) The law enforcement officer is reasonably able, by other means, to verify that the operator is properly licensed;

(B) The owner of the motor vehicle or another family member of the owner is present in the motor vehicle and has a valid driver license for the operation of such vehicle; or

(C) There exists a medical necessity jeopardizing life or serious bodily injury.

(2) Prior to seizing a motor vehicle pursuant to this subsection (c), a law enforcement officer shall make a reasonable attempt to verify the license status of an operator who claims to be properly licensed, but who is unable to produce the license on demand of the law enforcement officer. A notation of the officer's attempt to verify that the operator is properly licensed shall be noted on the departmental report.

(3) A motor vehicle seized pursuant to this subsection shall be released if the person redeeming the motor vehicle satisfies in full all fees required by law and:

(A) The registered owner of the motor vehicle or a representative of the owner with written notarized authorization from the registered

owner presents a valid driver's license, to be copied and retained by the law enforcement agency; or

(C) Upon order of a court of competent jurisdiction.

(4) Any owner of a motor vehicle, including a lienholder, person with a security interest in the motor vehicle, a lesser of the motor vehicle, assignee of the lessor, or the person who is the registered owner of the motor vehicle, who suffers any loss due to the seizure of any motor vehicle pursuant to this subsection (c) may recover the amount of the loss from the operator who violates this section.

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.